

ARTICLE V: ADDITIONAL PROVISIONS

Interim Action

In the interest of maintaining a safe and secure environment for all community members, at any time in the conduct resolution process including prior to any complaint or charges being filed and/or without prior notice, the Director may take action to protect the safety of member(s) of the UNH community and/or preserve UNH property.

1. **Interim Actions.** Such actions include, but are not limited to:
 - a. **No Contact Instruction.** A restriction between members of the UNH community that they may not contact each other.
 - b. **Loss of Privileges and/or Restrictions.** This can take various forms including interim suspension (see below), limiting a student's access to certain areas of campus or facilities, or exclusion from participation in designated privileges and activities such as intercollegiate activities, leadership positions, visitation rights at university housing, holding university office, representing the University, or denial of the use of a vehicle on campus. Campus Restrictions can also include administrative room/hall reassignments for students living on-campus.
 - c. **Cease and Desist.** A cease-and-desist notice may be issued to student organizations to cease some or all their operations and business. Organizations issued a cease-and-desist may be prohibited from conducting formal or informal business, recruiting potential new members, sponsoring, co-sponsoring, or participating in any and all social, intramural, athletic, or other similar activities on or off campus, hosting any social or philanthropic events, utilizing campus facilities, and/or may be ineligible to receive any university award, honorary recognition or institutional funding.
2. **Notice.** The Director will provide written notification to a student who is issued an interim action. The written notification will include information regarding the alleged prohibited conduct and the rationale for the interim action. The interim action will be effective immediately. If the interim action is an interim suspension from the University and/or from University housing, or a Cease-and-Desist issued to an organization restricting all the organization's operations and business, the notice will contain information on the appeal process.
3. **Interim Suspension.** In circumstances when a student's behavior significantly interferes with or poses a credible substantial risk of harm to other individuals within the community or to the University as a whole, the Director may temporarily suspend a student from the University and/or university housing or deny access to University privileges for an interim period pending disciplinary charges or criminal proceedings regarding behavior relevant to such proceedings. This interim suspension will be predicated on an individualized assessment of the student's behaviors. The primary considerations in making this assessment will be the severity of the safety risk presented by the student and the impact of the student's behaviors on the university community and the broader community. The University reserves the right to place a registration hold on the account for a student who has been issued an interim suspension.
 - a. **Conditions.** When placed on an interim suspension from the University, the student is prohibited from participating in any in-person University activities or programs, attending in-person academic classes, residing in university-owned or operated housing, or otherwise being on university premises for any reason. At the time of the interim suspension, the Director will determine if the student may be permitted to continue coursework remotely based on the Director's assessment of if the student's ongoing participation in remote coursework could significantly interfere with or pose a credible substantial risk of harm to other individuals within the community or to the University as a whole.
 - i. Any modifications to the interim suspension will be explicitly communicated by the Director.
 - ii. The student's faculty will be notified of an interim suspension. If the student is being permitted to work remotely, the student's faculty will be asked to work flexibly with students whenever possible. However, the student is responsible for keeping up with the work and may be penalized for assignments that require in-person participation. No specific information regarding the allegations will be released. University regulations will continue to apply during an interim suspension.
4. **Appeal.** A student who is placed on interim suspension from the University and/or housing or an organization that is issued a cease-and-desist for all business and operations will have the opportunity to appeal to the Director within five (5) business days from the date of the interim suspension notification. The appeal must be submitted in writing and include any documentation or information that supports the student's grounds for the appeal.
 - a. The grounds for appealing an interim suspension are:
 - i. The reliability of the information concerning the student's conduct, including the matter of identity.
 - ii. The conduct and surrounding circumstances reasonably indicate that the student's behavior would not indicate that their continued presence on university premises would not significantly interfere with or pose a credible substantial risk of harm to other individuals within the community or to the University as a whole.
 - b. The Director will review the appeal as soon as administratively possible. The Director will provide the student with a written notice of the outcome of the appeal. The interim suspension will remain in effect while any review is pending. There will be no further appeals to the decision rendered upon review.
 - c. The Director has discretion to impose, lift, reassess, and modify an interim suspension as circumstances may warrant at any point during the interim suspension period. The Director will notify the student when the interim suspension is lifted. If the interim suspension is lifted, the Director may place other interim restrictions (e.g., removal from university housing, limited access to campus) until the resolution of during the pendency of an investigation and/or hearing or criminal proceedings regarding behavior relevant to such proceedings. When there is a criminal proceeding against the Respondent, conditions for reinstatement to the University may be specified.
 - d. A student placed on interim suspension does not replace the student conduct process, which shall proceed in accordance with the Code of Conduct to address the alleged prohibited conduct. Timelines will be reasonably adjusted to ensure an expedient resolution.

Procedures for Responding to Discrimination and Discriminatory Harassment

1. **Scope.** These procedures shall apply to alleged prohibited conduct by a student, where the reported violation states a colorable claim of discrimination or discriminatory harassment as defined by UNH's Discrimination and Discriminatory Harassment Policy. The process will follow the procedures described in Article IV: Conduct Resolution Process and Procedures with the following modifications.
2. **Report and Disclosure.** Any member of the university community and any person may report or disclose incidents of this nature at any time in person, by mail, by telephone, or by electronic mail. The report or disclosure may be made to Community Standards or to the Civil Rights & Equity Office. Community Standards shall convey a copy of any report or disclosure that it receives directly to the Civil Rights & Equity Office.
3. **Outreach.** When the Civil Rights & Equity Office receives a report or disclosure that a student experienced discrimination or discriminatory harassment, a staff member from that office will offer information to the student about the student's rights, options, and resources available. UNH may provide support whether or not a Complainant chooses to seek a formal or informal resolution or the complaint is dismissed.
4. **Dismissal of Formal Complaint.** At any point in the process, the Director of the Civil Rights & Equity Office may determine that the alleged behavior, even if substantiated, would not constitute discrimination or discriminatory harassment. Should this determination occur, the parties will be notified and the matter will be closed.
5. **Appointment of investigator(s).** The Director of the Civil Rights & Equity Office may appoint an investigator(s) and notify the Director of Community Standards.
6. **Investigation.** The investigator(s) shall work under the direction of the Director of the Civil Rights & Equity Office to complete a thorough, prompt, and equitable investigation.
 - a. The Director of the Civil Rights & Equity Office and investigator shall provide status reports to the Director of Community Standards periodically and upon request.
 - b. In cases where there is/are parallel criminal and administrative investigations the Director of the Civil Rights & Equity Office and investigator may cooperate with law enforcement to preserve the integrity of both investigations while striving to complete a prompt, thorough and equitable investigation of the matter.
7. **Informal Resolution.** The parties may request that the University facilitate informal resolution processes, such as mediation or restorative justice. Where both parties give informed, written consent, informal resolution may present a way to resolve discrimination or discriminatory harassment. UNH may also address offensive conduct that does not rise to the level of discrimination or discriminatory harassment through informal measures. Addressing such conduct will not result in the imposition of discipline under this policy, but may be addressed through respectful conversation, remedial actions, education, and/or other informal resolution mechanisms.

Procedures for Responding to Sexual Misconduct, Relationship Abuse, Stalking, and Related Offenses

1. **Scope.** These procedures shall apply to alleged prohibited conduct by a student, where the reported violation states a colorable claim of sexual misconduct, relationship abuse, or stalking.
2. **Protocols.** The Director will establish public protocols to guide Community Standards as it implements these procedures. The protocols will include rules of decorum and rules of evidence for hearings.
3. **Report and Disclosure.** Any member of the university community and any person may report or disclose incidents of this nature at any time in person, by mail, by telephone, or by electronic mail. The report or disclosure may be made to Community Standards or to the Civil Rights & Equity Office. Community Standards shall convey a copy of any report or disclosure that it receives directly to the Civil Rights & Equity Office. The Director of the Civil Rights & Equity Office is also UNH's Title IX Coordinator.
4. **Emergency Removal for Sexual Misconduct and Related Offenses.** In circumstances when a student's behavior poses an immediate threat to the physical health or safety of a student or any other individual arising from alleged sexual misconduct, relationship abuse, or stalking, the University can remove a Respondent from its education program or activity following the procedures described in the Interim Action policy within this Code of Conduct. The University will make the decision to remove a Respondent from its education program or activity based on an individualized safety and risk analysis. If the University makes such a decision, the Respondent will be provided with notice and an opportunity to challenge the decision immediately following the removal.
5. **Outreach.** When the Civil Rights & Equity Office receives a report or disclosure that a student experienced sexual misconduct, relationship abuse, or stalking, a staff member from that office will offer information to the student about the student's rights to make a formal complaint, to initiate other proceedings, to receive supportive services, and to participate in an intake. UNH may provide support whether or not a Complainant chooses to seek a formal or informal resolution or the complaint is dismissed.
6. **Intake.** If the student wishes to meet with a staff member from the Civil Rights & Equity Office, the staff member will provide the student with information about their rights, responsibilities, resources, and options.
7. **Formal Complaint.** The formal complaint is a document filed and signed by the Complainant (physical or digital signature or signed by Director of the Civil Rights & Equity Office) alleging sexual misconduct, relationship abuse, or stalking against a respondent and requesting the institution investigate the allegations.
8. **Resolution of Formal Complaint.** The process to resolve the formal complaint will begin upon receipt of a formal complaint and conclude upon the issuance of a written determination of the alleged misconduct. This process will be completed as soon as practicable but no more than 180 days after the receipt of a formal complaint. Deviations from this time frame will be made on a case-by-case basis and supported by good cause. Parties will be notified in writing regarding the length of time and justification for any such delays.
 - a. A copy of the formal complaint will be forwarded to the Director of the Civil Rights & Equity Office for review pursuant to §106.45(b)(3)(i).

- b. Review of formal complaint of sexual misconduct, stalking, and relationship abuse: the Director of the Civil Rights & Equity Office will review the formal complaint to determine whether the conduct alleged would constitute sexual harassment as defined in 34 C.F.R. §106.30. If the alleged prohibited conduct meets those requirements, the complaint will be processed as provided in the Procedures for Sexual Misconduct, Relationship Abuse, Stalking, and Related Offenses section of this Code of Conduct. If the conduct does not constitute sexual harassment under that regulation, but otherwise alleges sexual misconduct, relationship abuse, or stalking under this Code, the complaint will also be processed as provided in the Procedures for Responding to Sexual Misconduct, Relationship Abuse, Stalking, and Related Offenses section of this Code of Conduct.
- c. The Director of the Civil Rights & Equity Office will notify the Complainant and the Respondent of the results of the review. Either party may appeal the finding that the conduct alleged does not meet the requirements of 34 C.F.R §106.30
9. **Dismissal of Formal Complaint.** At any point in the process, the Director of the Civil Rights & Equity Office may determine that the alleged behavior, even if substantiated, would not constitute sexual misconduct, stalking, or relationship abuse. Should this determination occur, the parties will be notified and the matter will be closed.
10. **Appointment of investigator(s).** After completing the intake, the Director of the Civil Rights & Equity Office may appoint an investigator(s) and notify the Director of Community Standards.
11. **Notice of Allegations and Complaint.** The Director of the Civil Rights & Equity Office will send a notice of allegations and the formal complaint to the Complainant and to the Respondent. Notice to the parties will state that the respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the hearing process, notice of their right to an advisor of choice, a summary of available resources, the contact information for the Director of the Civil Rights & Equity Office, a link to this Code, and a caution against retaliation.
12. **Investigation.** The investigator(s) shall work under the direction of the Director of the Civil Rights & Equity Office to complete a thorough, prompt, and equitable investigation.
- a. The Director of the Civil Rights & Equity Office and investigator shall provide status reports to the Director of Community Standards periodically and upon request.
- b. In cases where there is/are parallel criminal and administrative investigations the Director of the Civil Rights & Equity Office and investigator may cooperate with law enforcement to preserve the integrity of both investigations while striving to complete a prompt, thorough and equitable investigation of the matter.
13. **Amnesty.** Students who participate in an investigation related to a report of a violation under these procedures generally are not subject to a conduct complaint for drug, alcohol, or COVID-19 violations immediately before and during the incident giving rise to the report, unless the lesser violation is directly related to the facilitation of the offense. Students may be held responsible for subsequent conduct violations of any nature. If students are involved in repeated violations or more serious violations, they may still be subject to a conduct process.
14. **Investigative Report.** The investigator shall prepare a written report of the investigation that fairly summarizes relevant evidence.
- a. The Director of the Civil Rights & Equity Office shall provide a comment draft of the report to both the reporting and responding persons and their advisors, and at the same time provide access to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, providing them both with ten days to submit a written response containing suggestions to make the report more accurate. The investigator shall consider the written response(s) but is not required to accept any proposed change from either party.
- b. The investigator shall prepare a final investigative report and submit it to the Director of the Civil Rights & Equity Office. The Director of the Civil Rights & Equity Office shall convey the final report to the parties, their advisors, and the Director of Community Standards.
15. **Notice of Hearing.** The Director shall prepare the notice to be used to guide the parties to prepare for the hearing and to assist the hearing panel to understand the evidence presented at the hearing.
- a. The notice shall provide fair notice of the alleged facts and shall specify the provisions of this Code that are alleged to have been violated.
- b. The notice, together with a copy of the final investigative report, shall be conveyed to the parties at least 10 days before the hearing and to the hearing panel members at least 2 days before the hearing.
- c. The notice will state that the respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the hearing process.
16. **Limitations Period.** Individuals are encouraged to report sexual misconduct, stalking, and relationship abuse as soon as possible after the incident occurs to maximize the University's ability to respond promptly and effectively. Prompt reporting allows the University to obtain the most reliable information, be able to contact relevant witnesses (if any) and provide reasonable assistance and supportive or interim measures for affected parties. The University does not limit the time for reporting these incidents or filing a complaint, however, and in all cases, a decision will be made on existing facts to determine if an investigation and conduct proceedings are necessary to comply with the law and to serve the university community.
17. **Informal Resolution.** The parties may request that the University facilitate informal resolution processes, such as mediation or restorative justice. Where both parties give informed, written consent, informal resolution may present a way to resolve sexual misconduct, stalking, and relationship abuse allegations in an informal atmosphere. Informal resolution may only be requested after a formal complaint has been filed so that the parties understand what the grievance process entails and can decide whether to voluntarily attempt informal resolution as an alternative.
18. **Hearing.** The hearing panel will be assembled with members free of conflicts of interest and bias and who have been trained in their responsibilities under the law and under this Code.
- a. The Director shall assign an advisor to both parties if they have not selected an advisor of their own choosing. The advisor can assist in preparing for the hearing, reviewing the investigation report, and directly related evidence, and conducting cross-examination.
19. **Adjustments in the Hearing Process.** Proceedings involving allegations of sexual misconduct, stalking, and relationship abuse shall be processed as provided for other reports of violation under this Code, subject to the following adjustments:

- a. The Complainant and the Respondent have a right to have a support person and an advisor of choice present at any meeting or hearing. Neither party is required to request permission for the presence of an advisor or support person. Advisors may conduct cross-examination, but support persons may not represent or speak on behalf of either party in any meeting or proceeding. Advisors and support persons will be subject to the rules of decorum adopted by the Director.
- b. The Complainant and Respondent have a right to be assisted by an attorney, who may be present at any meeting or hearing. Legal counsel shall provide the Director with two (2) business days' notice that counsel will be present at any hearing or meeting. Legal counsel shall abide by the rules of decorum at every meeting or hearing and shall not disrupt any meeting or hearing. Legal counsel may not speak on behalf of either party at any meeting or hearing. Legal counsel would be considered an advisor in a Conduct Conference or Hearing and would be expected to follow all guidelines for advisors including any modifications to the guidelines of an advisor for sexual violence and sexual harassment proceedings.
- c. The Director may conduct preliminary meetings separately with the Complainant and Respondent. The Director may permit or require the parties to be in separate rooms during the hearing itself, provided, however, that the Respondent's right of confrontation shall be given appropriate weight and protection in fashioning protections for the Complainant.
- d. The Director of the Civil Rights & Equity Office may dismiss the formal complaint or any allegations therein, if at any time during the investigation or hearing, the Complainant withdraws the complaint; the Respondent is no longer enrolled at the University, or the University cannot gather evidence regarding the formal complaint. §106.45(b)(3)(ii). Either party may appeal the Director of the Civil Rights & Equity Office's decision to discretionarily dismiss a formal complaint.

Procedures for Responding to Organizational Misconduct

Members of a recognized student organization may be charged as an organization and/or individually with violation(s) of the Student Code of Conduct. Factors that may lead to an organization being charged include:

- One or more officers or authorized representatives acting in the scope of their capacities, commit the violation.
- One or more members commit the violation after the action that constitutes the violation was approved by a vote of the organization or was part of a committee assignment of the organization.
- The violation was committed at an activity funded by the organization.
- The violation occurs as a result of an event sponsored by the organization.
- One or more members of an organization or its officers permit, encourage, aid or assist in committing a violation.
- Members of an organization fail to report to appropriate University authorities' knowledge or information about a violation.

Organization conduct processes are managed by the staff or governing bodies that oversee the organizations following their own internal protocols or bylaws.

- Alleged violations by Fraternities will be managed by the University's Interfraternity Council
- Alleged violations by Sororities will be managed by the University's Panhellenic Council
- Alleged violations by sport clubs will be managed by the Assistant Director of Sport Clubs, Intramural Sports, Outdoor Adventures, and Special Events
- Alleged violations by all other student organizations will be managed by the Director of the Memorial Union Building and Student Activities

Community Standards will typically manage organization conduct processes following the resolution processes described in the Code of Conduct when the alleged violation is hazing or sexual misconduct and/or when the sanctions could reasonably result in organization suspension or organization dismissal.

Sanctions. In addition to the sanctions described in the "Conduct Resolution Process and Procedures" article, possible sanctions for organizations include:

- **Organizational Probation.** A specified period of time for observation and review during which continued relationship with the University is conditional and dependent upon demonstrated and sustained compliance with university policy, and the development of a plan for modified behavior. Probation includes the probability of more severe disciplinary sanctions if the responding organization is found to be violating any institutional regulation(s) during the probationary period.
- **Organization Suspension.** Loss of recognition by the University for a specific period of time. During such time the organization is prohibited from conducting formal or informal business, recruiting potential new members, sponsoring, co-sponsoring, or participating in any and all social, intramural, athletic, or other similar activities on or off campus, hosting any social or philanthropic events, representing the University in any way, maintaining membership or representation on any governing councils, utilizing campus facilities, and is ineligible to receive any university award, honorary recognition or institutional funding. An organization that has completed the suspension period and has met conditions for return as outlined in the return agreement may seek reinstatement by complying with the registration requirements of the Office of Off-Campus Engagement & Fraternity and Sorority Life.
- **Organization Dismissal.** Permanent loss of recognition as an organization by the University.

Some sanctions will result in collateral consequences such as a loss of privileges. Loss of privileges precludes the organization from participating in certain activities or may require an organization to forfeit specific privileges. Privileges may include, but are not limited to, loss or limitation of social events or limitation of ability to participate in university events or activities. Temporary or permanent loss of recognition may also result in a loss of external privileges given to recognized organizations such as living in a property that is zoned specifically for a recognized organization.

When the organization is associated with an inter/national organizational governing body, the University may collaborate with the governing body to remedy structural deficits which may include, changes to organization's operating procedures, a membership/leadership review, an external review, and changes to the organization's advisor support.

Amnesty Through Responsible Action Protocol

1. **Purpose.** Amnesty Through Responsible Action is part of University's comprehensive environmental approach to address high-risk behaviors. Because the University understands that perceived fear of disciplinary actions may act as a barrier to students seeking emergency assistance, it has adopted the following Responsible Action Protocol to alleviate such concerns. Essential to our values, the Amnesty Through Responsible Action policy prioritizes a culture of communal care, necessary to build lasting, meaningful change and to limit the recurrence of problematic behavior.

This provision was developed as a mechanism to grant amnesty to students and student organizations who, in good faith, take immediate steps to seek medical treatment or professional assistance by notifying the appropriate authorities for a peer or themselves in serious or life-threatening situations as a result of over-consumption of alcohol, drugs or other substances. When a student calls on behalf of an impaired individual, remains with that individual until assistance arrives, fully cooperates with emergency responders, and attends any follow-up meeting(s) requested by university staff, the caller will not be subject to disciplinary actions.

2. **Scope.** Provided that the requisite procedures are followed, amnesty applies to:
 - a. The student who calls on behalf of a peer who has passed out, is unconscious or unresponsive
 - b. The student who required medical assistance for personal consumption
 - c. The student who contacts emergency services for themselves
 - d. A recognized fraternity or sorority that could be charged for violations of the Code for behavior that occurs during an approved social event when representatives from that organization seek medical assistance on behalf of an individual attending the event
3. **Responsible Caller.**
 - a. Get help: In medical emergencies, immediate action should be taken by calling University Police, 911, or alerting a resident assistant.
 - b. Remain with that individual until assistance arrives or until you are told that your assistance is no longer needed.
 - c. Fully cooperate with emergency responders, including all requests for information and assistance.
 - d. Attend any follow-up meeting(s) requested by Community Standards.
4. **Review.** The Director will determine eligibility for amnesty under the Responsible Action Protocol during the initial review or investigation. Typically, when the Responsible Action Protocol is not being applied, violations of the University's alcohol, drug, and other substances policies that require medical transportation and reviewed through the conduct process, will likely result in the following sanctions:
 - a. For students:
 - i. Disciplinary Probation
 - ii. Referral to Health and Wellness to complete an appropriate alcohol and other drug (AOD) educational program/intervention ranging in cost from \$75 to \$150
 - iii. A parent or guardian is notified when a student, under the age of 21, violates the law and/or university policy that governs alcohol and drug use and consumption
 - b. For organizations:
 - i. Organization Probation
 - ii. Loss of privileges precludes the organization from participating in certain activities or may require an organization to forfeit specific privileges. Privileges may include, but are not limited to, loss or limitation of social events or limitation of ability to participate in university events or activities.
 - iii. Additional sanctions assigned by the appropriate governing body

5. **Following the Incident.** When it is determined a student or organization qualifies for this program, Community Standards will not create a conduct record, hold any sanctions, and waive the cost of any AOD educational program/intervention in abeyance, pending the timely completion of the following requirements:
 - a. Attend an appropriate alcohol and other drug (AOD) educational program/intervention (e.g., BASICS, CASICS, AOD assessment and evaluation).
 - b. Comply with recommendations set forth by AOD provider.
 - c. Complete any other educational recommendations from Community Standards.
 - d. Complete any necessary follow-up meetings with Community Standards, Off-Campus Engagement & Fraternity and Sorority Life, or Health and Wellness as specified.

6. **Provision Limitations.** This protocol does not apply to individuals who are found by university officials, law enforcement agencies or student staff acting in performance of their duties.

Costs associated with hospital transportation, treatment, assessment, or damage are the responsibility of the student in need of medical attention.

The Responsible Action Protocol applies only to alcohol and other drug-related medical emergencies. It does not apply to other prohibited conduct such as disorderly conduct (including physical or verbal abuse), property damage, or distribution of illicit substances. Amnesty does not forgive or cover criminal, civil, or other legal consequences for violations of federal, state, or local laws or ordinances.

The Responsible Action Protocol is not intended to shield or protect students and student organizations that repeatedly engage in high-risk consumption. In cases where repeated policy violations occur, the University reserves the right to take disciplinary action on a case-by-case basis regardless of how the incident was reported.

Maintenance, Inspection & Review of Disciplinary Education Records

1. The University's procedures regarding the inspection and review of education records under the Family Educational Rights and Privacy Act ("FERPA") are as follows:
 - a. All students who are or have been in attendance at the University have the right to inspect and review their education records subject to the limitations and exceptions set forth in FERPA and its related regulations, 20 U.S.C. § 1232g and 34 CFR Part 99.
 - b. To facilitate the gathering and inspection of student records, all requests must be submitted in writing to the Community Standards via email at communitystandards@unh.edu; neither requests to other university offices nor verbal requests will be honored. Hard copies will not be provided unless a failure to provide copies prevents an eligible party from accessing the necessary information.

- c. If a student's request is unclear or insufficiently specific, a representative from the Community Standards may discuss the request with the student to assure that the appropriate records will be gathered for the student's review. The representative Community Standards will gather the requested records; review the records to confirm that they are complete and redact any FERPA-waived recommendations, information about other students subject to FERPA privacy obligations, or any other information protected from disclosure by FERPA or other applicable law; finally, the representative will make arrangements with the student to inspect the records in person.
2. Community Standards is the designated Unit Custodian for disciplinary records. The Unit Custodian is the person who possesses the records or oversees the office that possesses the records. It is the Unit Custodian's responsibility to ensure proper access control and to handle, store, and dispose of the records as appropriate.
 - a. Education records belong to the University and, although students have the right to review and request amendments as set forth below, students are not authorized to photocopy, photograph, or otherwise image or duplicate university records. Students may, however, take personal notes regarding their educational records. Students should be mindful of the risks of sharing personal information from their educational records with those who are not subject to FERPA's privacy requirements.
 - b. Access to a student's education records will be provided within a reasonable period of time, but in no case will an offer to meet and review the records be made more than forty-five days after the request. If, after reviewing their educational records, a student believes that certain records encompassed by the request were not made available for inspection, the student should submit a follow-up request clarifying the additional records the student believes exist.

students who have been sanctioned for more than one case, the most serious formal sanction is the controlling one. For students who have been issued their most serious formal sanction on more than one occasion, the most recent one is controlling.

Schedule for Record Retention and Disposal

3. Community Standards complies with existing state and federal legal requirements and the university's policy and schedule for record retention and disposal. After the minimum retention period for a disciplinary record is reached, said record is disposed of unless it still serves a legal or operational purpose or has historic value.
 - a. Disciplinary records that include the issuance of University Suspension and any sexual harassment investigation, including any responsibility determination, and any required recording or transcript, as well as any sanctions imposed on the respondent, and any remedies provided to the complainant; any appeal and its result; and all materials used to train adjudicators, with regard to sexual harassment, are retained for a period of seven years in adherence with recordkeeping requirements described under the Clery Act regulations, 24 CFR § 668.24(e)(92)(ii), the Title IX regulations described in 34 C.F.R. § 106.45(b)(10), state law and relevant university policies.
 - b. Disciplinary records that involve the issuance of University Dismissal as the sanction are retained permanently. Typically, disciplinary records that include lesser sanctions or do not result in findings of responsibility will be retained for a period of three years.
 - c. Records of organizational misconduct, regardless of the outcome, will be retained for ten years.
 - d. Disciplinary records are subject to release according to the retention policies dictated by the controlling formal sanction. For